

SENATE BILL 117

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2004 Regular Session
(4r1302)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senator Dyson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection - Privacy of Social Security Numbers**

3 FOR the purpose of prohibiting the public posting or displaying of an individual's
4 Social Security number under certain circumstances; prohibiting the printing of
5 an individual's Social Security number on certain cards under certain
6 circumstances; prohibiting a person from requiring an individual to transmit
7 the individual's Social Security number over the Internet under certain
8 circumstances; prohibiting a person from requiring an individual to use the
9 individual's Social Security number to access an Internet website under certain
10 circumstances; prohibiting the printing of an individual's Social Security
11 number on materials mailed, electronically mailed, or transmitted by facsimile
12 to the individual under certain circumstances; providing for certain exceptions
13 to the prohibitions relating to an individual's Social Security number; providing
14 that a violation of this Act is an unfair ~~and~~ or deceptive trade practice under the
15 Maryland Consumer Protection Act; authorizing a person that, prior to a certain
16 date, used an individual's Social Security number in a manner prohibited under
17 this Act to continue to use the individual's Social Security number under certain

1 circumstances; defining certain terms; providing for the termination of a certain
 2 provision of this Act; providing for the application of this Act; providing for a
 3 delayed effective date; and generally relating to the privacy of Social Security
 4 numbers.

5 BY repealing and reenacting, with amendments,
 6 Article - Commercial Law
 7 Section 13-301(14)
 8 Annotated Code of Maryland
 9 (2000 Replacement Volume and 2003 Supplement)

10 BY adding to
 11 Article - Commercial Law
 12 Section 14-3201 ~~and 14-3202~~ through 14-3203, inclusive, to be under the new
 13 subtitle "Subtitle 32. The Social Security Number Privacy Act"
 14 Annotated Code of Maryland
 15 (2000 Replacement Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Commercial Law**

19 13-301.

20 Unfair or deceptive trade practices include any:

- 21 (14) Violation of a provision of:
- 22 (i) This title;
- 23 (ii) An order of the Attorney General or agreement of a party
 24 relating to unit pricing under Title 14, Subtitle 1 of this article;
- 25 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
 26 Collection Act;
- 27 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
 28 Sales Act;
- 29 (v) Title 14, Subtitle 9 of this article, Kosher Products;
- 30 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
- 31 (vii) Section 14-1302 of this article;
- 32 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
 33 Act;

- 1 (ix) Section 22-415 of the Transportation Article;
- 2 (x) Title 14, Subtitle 20 of this article;
- 3 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
4 Enforcement Act;
- 5 (xii) Title 14, Subtitle 21 of this article;
- 6 (xiii) Section 18-107 of the Transportation Article;
- 7 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
8 Solicitations Act;
- 9 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
10 Act;
- 11 (xvi) Title 10, Subtitle 6 of the Real Property Article;
- 12 (xvii) Title 10, Subtitle 8 of the Real Property Article;
- 13 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- 14 (xix) Title 14, Subtitle 26 of this article, the Maryland
15 Door-to-Door Solicitations Act;
- 16 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
17 Goods Movers Act; or
- 18 (XXI) TITLE 14, SUBTITLE 32 OF THIS ARTICLE, THE SOCIAL
19 SECURITY NUMBER PRIVACY ACT; OR
- 20 SUBTITLE 32. THE SOCIAL SECURITY NUMBER PRIVACY ACT.
- 21 14-3201.
- 22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.
- 24 (B) "PERSON" DOES NOT INCLUDE A UNIT OF STATE OR LOCAL GOVERNMENT.
- 25 (C) "PUBLIC RECORD" HAS THE MEANING STATED IN § 10-611 OF THE STATE
26 GOVERNMENT ARTICLE.
- 27 ~~(D)~~ "PUBLICLY POST OR DISPLAY" MEANS TO INTENTIONALLY COMMUNICATE
28 OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC.
- 29 14-3202.
- 30 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT:

1 (1) PUBLICLY POST OR DISPLAY AN INDIVIDUAL'S SOCIAL SECURITY
2 NUMBER;

3 (2) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON A CARD
4 REQUIRED FOR THE INDIVIDUAL TO ACCESS PRODUCTS OR SERVICES PROVIDED BY
5 THE PERSON;

6 (3) REQUIRE AN INDIVIDUAL TO TRANSMIT THE INDIVIDUAL'S SOCIAL
7 SECURITY NUMBER OVER THE INTERNET UNLESS THE CONNECTION IS SECURE OR
8 THE SOCIAL SECURITY NUMBER IS ENCRYPTED;

9 (4) REQUIRE AN INDIVIDUAL TO USE THE INDIVIDUAL'S SOCIAL
10 SECURITY NUMBER TO ACCESS AN INTERNET WEBSITE, UNLESS A PASSWORD OR
11 UNIQUE PERSONAL IDENTIFICATION NUMBER OR OTHER AUTHENTICATION DEVICE
12 IS ALSO REQUIRED TO ACCESS THE WEBSITE; OR

13 (5) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY
14 MATERIAL THAT IS MAILED, ELECTRONICALLY MAILED, OR TRANSMITTED BY
15 FACSIMILE TO THE INDIVIDUAL, UNLESS REQUIRED BY STATE OR FEDERAL LAW.

16 (B) THIS SECTION DOES NOT APPLY TO ~~THE USE OF AN INDIVIDUAL'S SOCIAL~~
17 ~~SECURITY NUMBER BY A PERSON FOR THE PURPOSE OF MEETING A LEGAL~~
18 ~~REQUIREMENT THAT MANDATES USE OF A SOCIAL SECURITY NUMBER;~~

19 (1) THE COLLECTION, RELEASE, OR USE OF AN INDIVIDUAL'S SOCIAL
20 SECURITY NUMBER AS REQUIRED BY STATE OR FEDERAL LAW;

21 (2) THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN
22 AN APPLICATION, FORM, OR DOCUMENT SENT BY MAIL:

23 (I) AS PART OF AN APPLICATION OR ENROLLMENT PROCESS;

24 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,
25 CONTRACT, OR POLICY; OR

26 (III) TO CONFIRM THE ACCURACY OF THE INDIVIDUAL'S SOCIAL
27 SECURITY NUMBER; OR

28 (3) ~~THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN:~~

29 (I) ~~A DEED, MORTGAGE, OR OTHER DOCUMENT FILED IN THE~~
30 ~~LAND RECORDS;~~

31 (II) ~~A FINANCING STATEMENT FILED UNDER TITLE 9 OF THE~~
32 ~~COMMERCIAL LAW ARTICLE; OR~~

33 (III) ~~A WRIT OF GARNISHMENT OF PROPERTY OR OF WAGES;~~

34 (4) ~~THE USE OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER FOR~~
35 ~~INTERNAL VERIFICATION OR ADMINISTRATIVE PURPOSES; OR~~

